

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-37 in the application. The Applicants have amended Claims 1, 7, 10, 16, 19, 24, 25, 30, 31, and 36. Accordingly, Claims 1-37 are currently pending in the application.

#### **I. Rejection of Claims 1-30 under 35 U.S.C. § 101**

The Examiner has rejected Claims 1-9 and 19-24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner asserts that Claims 1-9 and 19-24 are non-statutory because they are not tangibly embodied in a manner so as to be executable as the only hardware in an intended use statement. The Applicants respectfully traverse the rejection, because independent Claims 1 and 19 are directed to a computer-based system. A computer-based system is a tangible embodiment that meets the requirements of 35 U.S.C. § 101. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-9 and 19-24 for non-statutory subject matter under 35 U.S.C. § 101.

The Examiner has also rejected Claims 10-18 and 25-30 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner asserts that Claims 10 and 25, which are directed to method steps, could be practiced with a pen and paper. The Examiner has kindly suggested amending these claims to include the limitation that the method is practiced on a computer. The Applicants thank the Examiner for the suggestion, and have amended Claims 10 and

25 accordingly. Therefore, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 10-18 and 25-30 for non-statutory subject matter under 35 U.S.C. § 101.

## **II. Rejection of Claims 1, 3-7, 10, 12-16, 19-31, and 33-36 under 35 U.S.C. § 103**

The Examiner has rejected Claims 1, 3-7, 10, 12-16, 19-31 and 33-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,815,709 to Waldo, *et al.* in view of U.S. Patent No. 5,615,400 to Cowsar, *et al.*, and further in view of U.S. Patent No. 5,748,963 to Orr. The Applicants respectfully traverse the rejection, because the combination of Waldo, Cowsar and Orr does not teach or suggest each and every element of the claims.

Independent Claims 1, 10, 19, 25 and 31 contain the limitation of an interface identifier history list representing a history of modifications to the interface. The Examiner has conceded that the combination of Waldo and Cowsar does not teach comparing an interface identifier with an interface identifier history list containing at least one member. See Examiner's Response, ¶ 9. The Examiner looks to Orr at column 2, lines 15-20 for his teaching of a "dictionary." See id. The Examiner incorrectly characterizes this passage from Orr as teaching "comparing interface identifier with an interface identifier history list." See id.

Orr is directed to methods used in computer software environments for binding an entity to an identifier, and an efficient method for binding function implementations to function calls. See column 1, lines 4-7. Orr teaches that a function may have multiple implementations. See column 2, lines 4-5. But only a single implementation is bound to the function during a particular function call. See lines 5-6. Orr then teaches that one method of dispatching a function in a dynamic binding environment is a dictionary. See lines 11-13. Continuing, Orr states,

Each entry in the dictionary includes a function identifier, information relating to the number and types of formal function arguments, and the address of a corresponding implementation. When a function call occurs the dictionary is searched for an entry having a function identifier matching that of the function call and having formal arguments that match the actual arguments of the function call. If a matching dictionary entry is found, the address of the appropriate implementation is returned to the calling program.

Lines 13-22. These portions of Orr teach a list of function identifiers, each entry being matched to a number and configuration of arguments to provide one of several possible implementations of a function. But this cannot be construed to be a history list, much less one that “represent[s] a history of modifications to the interface,” as recited in independent Claim 1, *e.g.*

The Examiner cites another passage of Orr as teaching an interface history list. See Examiner's Response, ¶ 9. The cited portion states,

In a preferred embodiment, a dictionary contains at least one entry that includes a function identifier corresponding to a function to be dispatched. Each dictionary entry can be uniquely identified, for example, by a key or by an index. Each entry in the dictionary includes a function identifier, formal function argument information, and a reference to an implementation of the function.

Column 2, lines 59-65. Again, Orr teaches that an entry contains a function identifier, and implementation information, but not a “history list representing a history of modifications to said interface.”

Thus, Orr does not teach the element for which it is cited, and the cited combination of Cowsar, Waldo and Orr fails to teach each and every element of independent Claims 1, 10, 19, 25 and 31. Furthermore, the Examiner does not cite Orr for any suggestion of the missing element, and the Applicants do not find any such suggestion. Therefore, the combination cited by the Examiner fails to teach or suggest each and every element of the independent Claims, and the *prima facie* case of obviousness fails. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 10, 19, 25 and 31, and those claims depending therefrom, under 35 U.S.C. § 103(a).

### **III. Rejection of Claims 2, 11 and 32 under 35 U.S.C. § 103**

The Examiner has rejected Claims 2, 11 and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,815,709 to Waldo, *et al.*, in view of U.S. Patent No. 5,615,400 to Cowsar, *et al.*, further in view of U.S. Patent No. 5,748,963 to Orr, and further in view of U.S. Patent No. 5,748,963 to Lipe. The Applicants respectfully traverse the rejection, because the cited combination does not support a *prima facie* case of obviousness of these claims.

As set forth above, the cited combination of Waldo, Cowsar and Orr does not teach or suggest each and every element of independent Claims 1, 10 and 31. The Examiner has not cited Lipe to cure the deficiency of Waldo, Cowsar and Orr. Therefore, the cited combination of Waldo, Cowsar, Orr and Lipe does not support a *prima facie* case of obviousness of Claims 2, 11, and 32. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 2, 11 and 31 and allow issuance thereof.

#### **IV. Rejection of Claims 9 and 18 under 35 U.S.C. § 103**

The Examiner has rejected Claims 9 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,815,709 to Waldo, *et al.*, in view of U.S. Patent No. 5,615,400 to Cowsar, *et al.*, further in view of U.S. Patent No. 5,748,963 to Orr, and further in view of U.S. Patent No. 6,505,160 B1 to Levy. The Applicants respectfully traverse the rejection, because the cited combination does not support a *prima facie* case of obviousness of these claims.

As set forth above, the cited combination of Waldo, Cowsar and Orr does not teach or suggest each and every element of independent Claims 1 and 10. The Examiner has not cited Levy to cure the deficiency of Waldo, Cowsar and Orr. Therefore, the cited combination of Waldo, Cowsar, Orr and Levy does not support a *prima facie* case of obviousness of Claims 9 and 18. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 9 and 18 and allow issuance thereof.

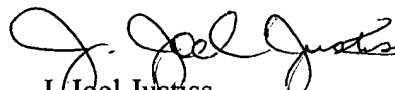
**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-37.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

**HITT GAINES, P.C.**

  
J. Joel Justiss  
Registration No. 48,981

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800